

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	Cheryl L. Burmylo,	: Chapter 13
	Debtor	: Case No. 23-13548-djb
		:
Delaware County Tax Claim Bureau	:	
	Movant	:
	vs.	:
Cheryl L. Burmylo,	:	
	Respondent	:
	and	:
Kenneth E. West,	:	
	Trustee	:

MOTION OF THE DELAWARE COUNTY TAX CLAIM BUREAU
FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362
OF THE UNITED STATES BANKRUPTCY CODE
PURSUANT TO BANKRUPTCY PROCEDURE RULE 4001

Movant, the Delaware County Tax Claim Bureau, by and through its counsel Toscani, Stathes & Zoeller, LLC, hereby requests relief from the Automatic Stay and leave to sell certain real estate owned by Debtor and respectfully avers as follows:

1. The Delaware County Tax Claim Bureau (“Movant”) is a County Agency responsible for collecting past due real estate taxes in Delaware County, Pennsylvania.
2. Cheryl L. Burmylo (“Debtor”) is the owner of 201 Cambridge Road, Clifton Heights, Delaware County, Pennsylvania, bearing Folio No.: 10-00-00645-00. (“subject premises”).
3. Debtor filed for relief under Chapter 13 of the United States Bankruptcy Code on November 22, 2023.
4. Prior to the filing of the Petition, Debtor was delinquent with the 2019-2022 real

estate taxes due on the subject premises.

5. After filing the Petition, Debtor became delinquent with the 2023 real estate taxes due on the subject premises.
6. Movant filed an Amended Proof of Claim for the 2019 through 2023 real estate taxes due on the subject premises on March 15, 2024 in the amount of \$33,396.22. A true and correct copy of the Amended Proof of Claim, without exhibits, is attached hereto as Exhibit “A”.
7. After the above-referenced Proof of Claim was filed, the Debtor became delinquent on the 2024 real estate taxes due on the subject premises. A true and correct copy of the 2024 taxes are attached as Exhibit “B”.
8. Movant’s interest would be irreparably harmed by the continuation of the Stay as Debtor has not paid the post-petition real estate taxes due in 2024 on the subject premises. See Exhibit “B”.
9. Debtor is currently delinquent in their real estate taxes for 2024 in the amount of \$4,547.56 as of March 2025. See Exhibit “B”.
10. Pennsylvania allows a tax claim bureau of a Second-Class County to add nine percent (9%) interest on all delinquent real estate taxes turned over to the tax claim bureau for collection. The application of the interest charge is authorized by Section 306 of the Real Estate Tax Sale Law, Act 542 of 1947 as amended. Codified at 72 P.S. §5860.101, *et seq.*
11. That interest at the rate of nine percent (9%) will continue to accrue on the delinquent real estate tax balance until the taxes, fees and costs are paid in full.

12. Under Section 362(d)(1) of the Code, the Court shall grant relief from the automatic stay for “cause” which includes a lack of adequate protection of an interest in real estate.
13. Sufficient “cause” for relief from the stay under Section 362(d)(1) is established where a debtor has failed to make installment payments or payments due under a court-approved plan, on a secured debt, or where the Debtor(s) have no assets or equity in the property.
14. As set forth herein, Debtor defaulted on the secured obligation to pay real estate taxes which is established by the real estate taxes being turned over to Movant for collection. See Exhibit “B”.
15. As a result, cause exists pursuant to 11 U.S.C. § 362(d) of the Code for this Honorable Court to grant relief from the automatic stay to allow Movant to pursue its state court remedies, including listing the subject premises for a delinquent real estate tax sale.
16. The Delaware County Tax Claim Bureau is not adequately protected because the Debtor made no provision for the payment of the post-petition real estate taxes on the subject premises after the filing of the Petition. See Exhibit “B”.
17. Movant requests relief from the Automatic Stay under 11 U.S.C. §362 so that Movant may sell the subject premises pursuant to the Pennsylvania Real Estate Tax Sale Law.
18. The Movant requests relief from Rule 4001 (a)(3) to allow Movant to process the subject premises for a delinquent real estate tax sale.

WHEREFORE, the Delaware County Tax Claim Bureau respectfully requests this Honorable Court to enter an Order modifying the Automatic Stay with regards to the Delaware County Tax Claim Bureau and 201 Cambridge Road, Clifton Heights, Delaware County, Pennsylvania, bearing Folio No.: 10-00-00645-00 to allow the Delaware County Tax Claim Bureau to sell said real estate pursuant to the Pennsylvania Real Estate Tax Sale and that Rule 4001 (a)(3) is not applicable to the Delaware County Tax Claim Bureau.

Respectfully submitted:

TOSCANI, STATHES & ZOELLER, LLC

Dated: March 13, 2025

BY: /s/ Stephen V. Bottiglieri
Stephen V. Bottiglieri, Esquire
Attorney for Delaware County Tax Claim Bureau
899 Cassatt Rd, Ste 320
Berwyn, PA 19312
P (610) 647-4901
sbottiglieri@tszlegal.com

Fill in this information to identify the case:

Debtor 1 Cheryl Burmylo

Debtor 2
(Spouse, if filing)

United States Bankruptcy Court for the: Eastern District of Pennsylvania

Case number 23-13548-mdc

Official Form 410

Proof of Claim

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	Delaware County Tax Claim Bureau Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor 201 Cambridge Rd/10-00-00645-00		
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____		
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? Delaware County Tax Claim Bureau Name 201 W. Front Street Number Street Media PA 19063 City State ZIP Code Contact phone _____ Contact email _____	Where should payments to the creditor be sent? (if different) Name Number Street City State ZIP Code Contact phone _____ Contact email _____	
Uniform claim identifier for electronic payments in chapter 13 (if you use one): -----			
4. Does this claim amend one already filed?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Claim number on court claims registry (if known) 5 Filed on 01/03/2024 MM / DD / YYYY		
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____		

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? No Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: 4 5 0 0

7. How much is the claim? \$ 33,396.22. Does this amount include interest or other charges?

No
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.

Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).

Limit disclosing information that is entitled to privacy, such as health care information.

2019-2023 real estate taxes

9. Is all or part of the claim secured?

No
 Yes.

The claim is secured by a lien on property.

Nature of property:

Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.

Motor vehicle

Other. Describe:

201 Cambridge Rd/10-00-00645-00

Basis for perfection: 2019-2023 Real Estate Taxes

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: \$ 152,744.80

Amount of the claim that is secured: \$ 33,396.22

Amount of the claim that is unsecured: \$ 0.00 (The sum of the secured and unsecured amounts should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: \$ 25,946.60

Annual Interest Rate (when case was filed) 9.00 %

Fixed

Variable

10. Is this claim based on a lease?

No

Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff?

No

Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

No

Yes. Check one:

- | | Amount entitled to priority |
|---|-----------------------------|
| <input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). | \$ _____ |
| <input type="checkbox"/> Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). | \$ _____ |
| <input type="checkbox"/> Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4). | \$ _____ |
| <input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). | \$ _____ |
| <input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). | \$ _____ |
| <input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)(____) that applies. | \$ _____ |

* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it.
FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.
18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- I am the creditor.
- I am the creditor's attorney or authorized agent.
- I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 03/14/2024
MM / DD / YYYY

/s/ Stephen V. Bottiglieri

Signature

Print the name of the person who is completing and signing this claim:

Name	Stephen V. Bottiglieri, Esquire		
	First name	Middle name	Last name
Title	Attorney for Creditor		
Company	Toscani, Stathes & Zoeller, LLC		
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
Address	899 Cassatt Rd, Ste 320		
	Number	Street	
	Berwyn	PA	19312
	City	State	ZIP Code
Contact phone	610-647-4901		
	Email sbottiglieri@tszlegal.com		



DELAWARE COUNTY TAX CLAIM BUREAU ESTIMATED TAX STATEMENT

DT520PADEL
Rev. 01/18

Delq Year : 2024

Type: ANNUAL

Cert :

Parcel No : 10-00-00645-00

Owner1 : BURMYLO CHERYL

Owner2 :

Property Location : 201 CAMBRIDGE RD

Desc : 2 STY HSE GAR

Date : 03/04/2025

Balance Due as of : 03/2025



DELINQUENT REAL ESTATE TAXES

		BILLING	PENALTY	INTEREST	TOTAL DUE
COUNTY	CHG	316.44	31.64	2.61	350.69
ASSMT: 100490	PAY/ADJ	0.00	0.00	0.00	0.00
	NET	316.44	31.64	2.61	350.69
SCHOOL	CHG	2,600.29	260.03	21.45	2,881.77
ASSMT 100490	PAY/ADJ	0.00	0.00	0.00	0.00
	NET	2,600.29	260.03	21.45	2,881.77
MUNICIPALITY	CHG	1,128.90	112.89	9.31	1,251.10
ASSMT: 100490	PAY/ADJ	0.00	0.00	0.00	0.00
	NET	1,128.90	112.89	9.31	1,251.10
COST	CHG	64.00	0.00	0.00	64.00
	PAY/ADJ	0.00	0.00	0.00	0.00
	NET	64.00	0.00	0.00	64.00
TOTAL	CHG	4,109.63	404.56	33.37	4,547.56
	PAY	0.00	0.00	0.00	0.00
	NET	4,109.63	404.56	33.37	4,547.56